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CITY OF WASHINGTON, TUESDAY MORNING, MARCH 21, 1854.

CONGRESSIONAL.

SPEECH OF HON. ISAAC TOUCE

3, 1854.

Mr. TOUCEY said: Mr. President, it was not my intention to participate in any agitation of the subject of African slavery. It has not been brought here by any agency of mine, nor of those whom I in part represent, nor of that section of the country in which I reside. I have, sir, on all occasions, and at all times, endeavored to repress this agitation as foreign to the purposes of this government, an unwarrantable interference in the internal affairs of independent communities, mjurious to the race proposed to be benefited by it, and as deadly bostile to the peace of hermony of the country, and the general to the presenting of the independent communities, injurious to the race proposed to be benefited by it, and as deadly hostile to the peace and barmony of the country, and the perpetuity of the federal Union. I still adhere to my former opinions, and my former course. But I find the subject here, and I am called upon by my vote upon this Kansas Nebraska bill to pass upon that clause in the act of Congress prepara tory to the admission of Migsoutt into the Union which purports to prohibit slavery porevers north of the parallel of 36 deg 30 min. north lattude, and, by necessary implication, to sanction it south of that line. The friends of the bill insist that this restriction contains an assumption of unconstitutional power, that the disposal of the whole subject belongs of right to the people of the Territory when properly in the exercise of legislative power; its opponents, that the subject belongs to Congress, and that the representatives of remote States and of remote people may interfere and settle it for them

This, sir, is the question at issue; nor, as implied in the speeches of some, whether all men are free and equal, nor whether African slavery shall exist, nor whether any

This, sir, is the question at issue; not, as impried in the speeches of some, whether all men are free and equal, nor whether African slavery shall exist, nor whether any one now involved in it shall be set at liberty, nor whether any human being now free from it shall be reduced to that condition. Nor, sir, is it the question whether any portion of the slave population now existing in the country shall be removed from the States in which they live to more extensive and fertile regions, where their condition might be improved, and where their emancipation singlit be practicable. It is neither one nor any of these questions. And yet, if any stranger were sitting here, listening to the debate on one side from day to day, he would suppose that these were questions under consideration. No, sir, they do not belong to the present occasion; but the question is that which I have aiready stated it to be—whether the restriction in the act of 1820 contains within it an assumption of unconstitutional power; whether Congress should interfere and exercise this power of settling a sumption of unconstitutional power; whether Congress should interfere and exercise this power of settling a question of municipal law, which belongs exclusively to the States within their limits; or, on the other hand, whether the people of the Territory, and of the States to be formed therein, shall be left in the undisturbed enjoyment of the common rights of American citizens—that of governing themselves, and of regulating their own internal affairs according to their own views of a just and sound policy, subject only to the constitution of the United States.

and so to state it that it may be clearly understood and not misapprehended. I will read the clause which gives rise to it. I challenge attention to the clear and unequivecoal language is which it is expressed. I will do the chairman of the committee [Mr Douclas] the justice to say that the amendments which have been introduced. were not designed to change the principle or the policy of the measure, but to Irustrate cavil, and to leave no room o doubt. I will read the section of the bill:

"SEC. -. That the constitution, and all laws of the Uni-

ist. That the Missouri restriction shall be inoperative

2d. That the bill shall not have the effect of legislating

savery into any State or Territory, nor out of it.

3d. That it is mail not revive any old Syamish or French laws which established or protected slavery.

(th That the people shall be left perfectly free to form and regulate their domestic institutions in their our way, subject only to the constitution of the United States.

If the Missouri restriction was an assumption of un-

grees, it ought to be disregarded and declared inopera-tive. It is be declared inoperative, and these Territories are left, as assuredly they will be, without any law on the subject of slavery except the supreme law of the con-

the subject of slavery except the supreme law of the constitution, two questions will arise.

1st Whether slavery is the mere creature of municipal law, which cannot live outside of the State whose laws uphold it? 2d. Whether the constitution of the United States, by its own intrinsic efficacy, will carry slavery into the Territories and uphold it there? One is the preponderating opinion of the North, the other of the South Both involve mere pulicial questions, and the bill provides for the transfer of them to the cours of justice, and figally, in the last resor; to that tribunal

would be unconstitutional and void, because neither the one nor the other can repeal the necessary effect of the constitution. If, on the other hand, it shall be decided that the constitution has no such effect, but that slavery is the mere creature of numerical law, which cannot be maintained outside of the State whose laws support it, it follows, necessarily, that it cannot exist or be maintained in these legitioners, and that every slave carried there will of course be free, and less the people of the Territories, or of the States to be formed therein, shall see fit to admit and to establish it by the action of their respective legislatures, and thus to exercise the same power which belongs to the people of every State as reserved to them by the express provision of the constitution itself.

If the built is passed in its present form, you will pursue the policy of non-intervention, which, I will undertake to show, was the policy of the government from the adoption of the constitution down to the Missouri restriction, which in 1850 was reversablished; which, in

The

The character of the territory in the southwest was equally fixed. It had been a part of the State of South Carolina, where slavery was established by law; and when it was ceded to the United States, on the 9th of when it was ceded to the United States, on the 9th of August, 1787, it still retained its original character—(United States Laws, vol. 1, p. 486, edition of 1816 by B. and D.). In the Northwestern Territory slavery was interdicted, in the territory in the southwest it was established; and both, having these peculiar characteristics, came together under the federal government, and were designed to be the theatre of new States, to be admitted into the Union on an equal footing with the original States in all respects whatever. Such was the condition of the States and Territories when the constitution was adopted, and the government went into operation. Now, Law air, when the convention came together to frame of the States and Territories when the constitution was adopted, and the government went into operation. Now, I ask, sir, when the convention came together to Itame this constitution, and when the people assembled to adopt it, extending over slaveholding States and non-slaveholding States, over slaveholding territory and non-slaveholding territory—I ask if it is possible that, when they were setting up a new government, they were about to confer on that government the power to pass a uniform

confer on that government the power to pass a uniform law that should apply to this institution, in the States or in the Territories?

If we turn to the constitution, and look into the enumerated powers conferred upon Congress, we shall find no one that can be lortured into a grant of power to interiere with the domestic relations of any present or any tuture State, either before or after its admission. If we look into other parts of the constitution, we shall find equal difficulty in discovering any such grant of power, but we shall find there a provision by which Congress was forbidden to interfere with the slave trade ontil the year 1808. We shall find a provision by which the slave

stillon, two questions will arise.

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3d. Wheeler the constitution of the United States, by its own infrinsic efficacy, will carry slavery into the ferritories and uphold it there? One is the preponterating opinion of the North, he other of the South Both invoive mere judicial questions, and the bill provides for the transfer of them to the courts of justice, and, fisally, in the last resort, to that tribunal which the constitutions of this kind. And the honoralle senator from Delawarr, who addressed the Senate yesterday, [Mt. Clayros.] will have the principle presented to him to-day which was advecated by him, and incorporated in the bill reported by him six years ago, by which these grave questions were submitted, as they ought to be, to that exaled constitutional tribunal.

Whatever may be the decision of the courts upon these questions, the practical result of non-intervention by Congress will follow, as a meter of course. If it should be decised that the constitution, by its own intrinsic efficacy, will carry slavery into the Territories and maintain it here, then every one knows that any law of Congress, or of the territorial legislatures, mierdicting it, would be unconstitutional and void, because meither the one not the other can repeal the necessary effect of the constitution. If, on the other hand, it shall be decided that the constitution has no such effect, but that slavery is the mere creature of nunicipal law, which cannot be maintained outside of the State whose laws support it, it follows, necessarily, that it cannot exist or be maintained in these legitioners, and that every slave carried their will of course be free, unless the people of the Territories and many artip it of half its political power on its admission in the form of the states to be formed therein, shall see fit to admit and to established in the admit and to establish it by the action of their respective.

use to show, was the policy of the government from the adoption of the constitution down to the Missouri restriction, which in 1850 was rever ablashed; which, in the election that followed, received the sanction of twenty-series and of an overpowering inspority of the American people; and which, I trust, is the settled constitutional policy of the government.

I come to the first question—the constitutional power of Congress to pass the hissouri restriction—and whether Congress has any such power, directly or indirectly, over the existence of the institution of slavery anywhere, unless it be within the purheus of this Capitol and of the public buildings.

The institution of African slavery was introduced into these States when they were yet colonies by the policy and the power of the mother country; and if there be any responsibility, whenever it may be, tashishment, that responsibility, whenever it may be, tashishment, that responsibility, whenever it may be, to make the government and people of Great Britain, whose power the feeble colonies were not then able to resist. In referring to that responsibility, it is but just to add that this African population was removed from the lowest state of mental, moral, social, and political degradation, in the darkest region of the earth, into an incomparably higher state, in immediate contact with divilization and Christianity; and that this removal, under an overruling Providence, as intimated by the honorable senator from Massachusetts, [Mr. Evererr.] so far

Mr. CHASE. Williams of the statement which I made, and which I think the facts of our history will bear out, was, that the original policy of the government was the exclusion of slavery from all the territory of the United States.

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stitution, which it seems he did, I should have no occasion to say anything upon that subject, because it has nothing to do with the policy of this government under deconstitution. I confine myself to the policy of the government since the adoption of the constitution; for by that constitution a new policy was instituted, and the government since the adoption of the constitution, in one of the least of this down into it. I repeat, sir, that if the principle of intervention with this institution had been carried into it. I repeat, sir, that if the principle of intervention with this institution had been carried into the constitution, it never would have been adopted, and this government ever would have been adopted, and this government ever would have been established.

Sir, this principle of non-intervention is one of the leading principles of the constitution. It is a legitimate inference from the general arrangement is powers been exconferred on the federal government are of a general character, limited to cases requiring general laws, uniformity of legislation for the whole country, not of a domestic nature, where the law must needs be different in different places, and always adapted to the peculiar condition of the thabitants. War and peace, commerce and currency, naturalization and bankruptcy, the protection of authors and inventors, post offices and post-roads, felionies and piracies on the high seas, offences against the laws of nations—all these require general laws, uniform laws of a general character, and they are, therefore, assigned to the federal government, the decinity arises of the whole country. On the whole country, assigned to the federal government, the theory of the whole country, assigned to the federal government, and they are, therefore, assigned to the federal government in the federal government is not into the enumeration of the confity varies, are reserved to the local egislatures. Now, sir, I ask how it is possible for any one to suppose that when there is no express grant of the p

or other property belonging to the United States.

"Territory or other property belonging to the United States" Nothing is here spoken of which is not strictly property, or which does not belong to the United States; in other words, the subject is property, and property only, and is limited to that which belongs to the United States. The only power granted, therefore, is to make all need-ful rules and regulations respecting this property. Now, sir, upon the principle of strict construction, can it be said

which was the formation and the best product of the control of the

lish polygamy, if I may be allowed to advert to which has been introduced here.

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when Missouri presented herself for admission Union, precisely in conformity with its terms, a whole of the North voted against her admission was a compact, here was an attempt to impose n I refer to it, as showing that the statesmen who the stage at that day did not look upon it in that Well, sir, as you come down to 1847, you there was a motion made in the House of References to the late.